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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WILLIAMS, ROSS A

ART UNIT PAPER NUMBER

3713

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,482

Applicant(s)

MICHAELSON ET AL.

Examiner

Ross A. Williams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/29/03, 8/16/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 6). Other: 11/1/04, 2/1/05, 3/25/05, 1/20/06, 2/27/06.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the abstract is longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 recites the limitation "said predefined symbols" in lines 14 and 18.

There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "said predefined symbols" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir (WO 98/35309) in view of Luciano, Jr (US 6,824,465).

Claims 1, 13, 25, 30 and 42: Muir discloses a primary wagering game operable upon a wager (Muir page 5:30 – 33), a plurality of player selectable symbols, a plurality of predefined game symbols, a display device the displays the player selectable keno numbers (Muir page 25:17 – 29). The game terminals also have a CPU that is in communication with the display (Muir page 9:3 – 5). Muir also discloses the use of randomly generated seeds that are used in order to generate random outcomes for the game terminals. The server generates a random number seed for each game before the game starts. The seed is generated and is combined with a seed index, encrypted and sent to the console where it is stored at or prior to the start of the game play. Muir also discloses that the game console unit utilizes a seed buffer that is able to store a plurality of seeds, thus is able to store at least one seed set (Muir 17:29 – 18:11). These generated seeds are then used to generate game outcomes, wherein the outcome may be generated by a smartcard or a server (Muir 32:1 – 4). Muir also discloses the process in which the server generates multiple seeds that are used in determining multiple game outcomes (Muir 33:3 – 34:26). Muir also anticipates the bi-directional mapping of player-selected symbols with the predefined symbols. This is shown in the comparison and scoring of the keno game that determines if a player selected the correct numbers according to the game outcome (Muir 25:17 – 29). Muir discloses that

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the keno symbols are selectable by a player and the player selectable symbols are then compared to the game selected outcome symbols. It would be obvious to one of ordinary skill to provide a keno game that displays to the user the symbols after being selected as modified, changed or marked in such a manner that the player is aware of the symbols previously selected, thus preventing the player from inadvertently selecting duplicate symbols, as well as to present to the player the game selected symbols in a modified or contrasting manner so the player can thus determine the randomly generated keno symbols. However, Muir does not specifically disclose the details of the graphical presentation of a keno game and the player selectable keno symbols.

Luciano, Jr (hereafter Luciano) discloses an interactive keno system that allows the player to select the keno symbols that they want to wager on. When selected, the keno symbols or numbers are modified with a "check mark" overlaid on top of the symbol (Luciano 9:22 – 26). Luciano also discloses that the game selected symbols are also modified. The game symbols are modified by a means of shading markings (Luciano 9:55 – 60). These modified or marked symbols as well as keno symbols that are unmodified in any way are presented to the player (Luciano FIGS 3 – 5).

It would be obvious to one of ordinary skill in the art to modify Muir in view of Luciano to provide a keno game that changes or marks the player selected keno symbols and the game selected keno symbols. This would allow the player to realize what symbols they selected and to see if the game selected symbols match theirs or not.

Claims 2, 14, 26, 31 and 43: Muir discloses the process in which the server generates multiple seeds that are transmitted to the game console which are used in determining the game outcomes (Muir 33:3 – 34:26).

Claims 3, 15, 32 and 44: Muir discloses that the player selectable symbols are numbers in a keno game (Muir 25:17 – 29).

Claims 4, 8, 16, 20, 27, 33, 37, 45, and 49 – 52: The discussion of Muir in view of Luciano is incorporated herein. Muir discloses game outcome seeds that represent different game outcomes (Muir page 3:23 – 32). Muir states “a set of random numbers sufficient to generate one or more entire game outcomes, or a random number see from which outcome information relating to a sequence of future games to be played on the console is generated by operation of a pseudo-random number algorithm.” (Muir page 3:23 – 29). Thus Muir discloses a seed set. Muir also discloses that the server is capable of preventing select seeds from being use in a game by detecting the seed index number of the seed (Muir page 34:3 – 10). This prevents cheating where a random seed is reused.

Claims 5, 9, 17, 21, 28, 34, 39 and 46: Muir discloses that the seeds belonging to a seed set are “random number seeds sent from a server” (Muir page 34:3 – 5). Since the plurality of seeds are random, one of ordinary skill in the art would assume that a seed set may contain a plurality of each game outcome seed. Because the seeds are randomly generated, duplicate seed can be produced, thus leading to a plurality of each game outcome seed.

Claims 6, 10, 18, 22, 29, 35, 39 and 47: Muir states “a set of random numbers sufficient to generate one or more entire game outcomes, or a random number seed from which outcome information relating to a sequence of future games to be played on the console is generated by operation of a pseudo-random number algorithm.” (Muir page 3:23 – 29). Thus Muir discloses at least one seed set. Muir further discloses a plurality of seeds that are sent to the console and a smartcard. These grouping of seeds at any given time represent a seed set. Muir discloses that the seeds may have a limiting lifecycle. For example, the seeds might expire after 1 hour or so. This prevents cheating and other malicious attacks on the system. After the seeds timeout, the server will update the console or smart card’s seed set, thus providing a second and different seed set than the first set that expired (Muir page 33:12 – 34:2).

Claims 7, 12, 19, 24, 36, 40 and 48: Muir discloses that the “said symbols are numbers in a keno game” (Muir Page 25:17 – 29). Bb

Claims 11, 23 and 41: Muir discloses that the a central controller such as a server is able to select or transmit a plurality of game outcome seeds selected from a set to a plurality of game terminals or consoles (Muir FIGS 1 – 10, page 33:3 – 34:2).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross A. Williams whose telephone number is (571) 272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TC3700